99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-772

DIRECTING THE SECRETARY OF THE INTERIOR TO CONVEY A CERTAIN PARCEL OF LAND LOCATED NEAR OCOTILLO, CA

AUGUST 8, 1986.—Committee to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

AUG 28 1986

REPORT

U. S. GOVT. PUBS.
DEPOSITORY 376

[To accompany H.R. 1891]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 1891) to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, California, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 2, strike lines 1 through 3 and insert the following:

(b) Lands to be conveyed pursuant to this Act are the lands generally depicted on the map entitled "Transfer to Imperial Valley College Barker Museum," dated August 1986 and available for inspection in the office of the California State Director, Bureau of Land Management.

(c) The lands conveyed under this Act shall continue to be reserved, maintained, and utilized for public park (including museum) and recreational purposes. If any of such lands is used for any other purpose, the title to such land, together with all improvements thereon, shall revert to the United States.

PURPOSE

This bill would provide for the transfer, without cost, of about 23 acres of federal lands near Ocotillo, California, to the Imperial Col-

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lege Barker Museum for purposes of constructing and maintaining thereon a public museum.

BACKGROUND AND NEED

The lands affected by this bill are near Ocotillo, a small town near the eastern edge of the Imperial Valley area of southern California. The lands are not public domain, but are lands acquired by the United States from another owner.

At one time the Bureau of Land Management (BLM) considered using the lands covered by the bill as the site for a visitor center. However, those plans have evidently been abandoned.

The Imperial Valley College, based in El Centro, California, wishes to establish and maintain a desert museum and information center on the lands. The Committee has been told that the plan is that no admission fees will be charged if this facility is built, although donations will be accepted.

The museum is to be an educational unit of Imperial Valley College and will be made up of three major parts:

1. Representative exhibits of the geologic, paleontologic, prehistoric, and historic past.
2. Outdoor archaeological park with exhibits of rock art, campsites, stone lined fish wiers, stone circles for house foundations, sleeping and prayer circles, cairns and rock monuments, a ground drawing (geoglyph) already on the property, and stone chipping sites. The property was an ancient village, carbon dated at 13,000 years ago. These exhibits will be connected by self guided tours.
3. Outdoor botanical garden of plants native to the Imperial County desert. A desert tortoise compound will also be set up within the garden area (The college has fifteen desert tortoises in its care now, and is certified by California Fish and Game to manage them). The garden will also be on self guided tours, with explanatory kiosks.

According to the College, the Information Center will advise people on dangers and pleasures of the desert. Maps and brochures will be given out, showing special areas to visit and where various activities can be enjoyed, and information on the economic, cultural, and social aspects of Imperial County will also be available.

Because the lands involved here are "acquired" lands rather than public domain lands, they are not eligible for administrative transfer to the college under the Recreation and Public Purposes Act, the only authority whereby BLM could transfer them to the college without consideration.

Because the purposes for which the college seeks to use the lands are consistent with purposes for which these lands (if they were eligible) could be made available under the Recreation and Public Purposes Act, the Committee recommends enactment of this bill to provide the requisite authority for BLM to transfer the lands to the college without requiring payment.

THE COMMITTEE AMENDMENT

The Committee adopted an amendment which: (1) replaced the legal description of the lands with an appropriate map reference, to

eliminate the possibility of a typographical or other error in the legal description and the difficulties which would result therefrom; and (2) added to the bill a reversionary clause of the sort customarily used in transfers of this type.

SECTION-BY-SECTION ANALYSIS

The bill is in a single section, with three subsections.

Subsection (a) directs the Secretary of the Interior to transfer the specified lands to Imperial Valley College Barker Museum without consideration, and recites that it is intended that the lands be used for the purpose of constructing and maintaining a public museum. It is the intention of the Committee that the term "public museum" be construed as meaning a facility which is open to the public at large, either free or on such reasonable terms as will assure that it is truly available to the public at large.

Subsection (b) provides an appropriate map reference so as to indicate the lands that are to be transferred.

Subsection (c) is a reversionary clause which provides for reversion to the United States of the lands to be transferred, together with improvements thereon, should they be used for purposes other than public park (including museum) and recreational purposes.

OVERSIGHT STATEMENT

The Committee on Interior and Insular Affairs will have continuing responsibility for oversight of the implementation of H.R. 1891 after its enactment. No reports or recommendations were received by the Committee pursuant to Rule X, clause 2(b)(2) of the Rules of the House of Representatives.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(2) of rule XI of the Rules of the House of Representatives, the Committee finds that enactment of H.R. 1891 will have no inflationary impact on the national economy.

COST AND BUDGET ACT COMPLIANCE

In the opinion of the Committee, enactment of H.R. 1891 will not result in significant costs. The estimate of the Congressional Budget Office follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 7, 1986.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1891, a bill to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, California, as ordered reported by the House Committee on Interior and Insular Affairs, August 6, 1986.

H.R. 1891 would direct the Secretary of the Interior to convey, without consideration, approximately 23 acres of land to the Impe-

rial Valley College Barker Museum of El Centro, California. Lands conveyed would revert to the federal government if they cease to be used for the public purposes specified in the bill.

Based on information obtained from the Department of the Interior, CBO estimates that federal, state or local governments would not incur significant costs if this bill were enacted.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

H.R. 1891 was introduced by Representative Hunter on April 2, 1985. On July 29, 1986, the Subcommittee on Public Lands held a hearing on the bill, and on August 5, 1986 adopted an amendment and ordered the bill as so amended favorably referred to the full Committee. On August 6, 1986, the Committee on Interior and Insular Affairs adopted an amendment and ordered the bill as so amended favorably reported to the House by a voice vote.

DEPARTMENTAL REPORT

The Report of the Department of the Interior on H.R. 1891 follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 23, 1986.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 1891, a bill "To direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, California."

We would not object to the enactment of H.R. 1891.

H.R. 1891 would require the Secretary of the Interior to convey, without consideration, to Imperial Valley College Barker Museum of El Centro, California, all right, title and interest of the United States in and to a described parcel of real property located near Ocotillo, California. A public museum will be constructed and maintained on the site.

The lands described in this legislation are "acquired lands" that were once considered for the site of a Bureau of Land Management (BLM) visitor center. They comprise 22.98 acres valued at $23,000 on which is a well valued at $14,000. As acquired lands they cannot be pleased or sold under the provisions of the Recreation and Public Purposes Act.

It is our understanding that the design of the proposed public museum is similar to the design of the facility BLM was considering, and many of the same benefits and services would be provided to the public. Therefore we would not object to legislation to authorize such a use for the tract.

However, we recommend that the bill be amended to include a reverter clause providing for reversion of the land to the United States in the event that the lands cease to be used for public museum purposes. This would be consistent with the Recreation and Public Purposes Act as well as Administration policy.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. STEVEN GRILES,
Assistant Secretary.

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